

JUL 29 2011

U.S. DISTRICT COURT
W. DIST. OF N.C.

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

DOCKET NO.: 3:10cr104-MOC

UNITED STATES OF AMERICA,)
Plaintiff,)
)
v.)
)
(3) DELMAR DOVE,)
Defendant,)

CONSENT ORDER AND
JUDGMENT OF FORFEITURE

BASED UPON the Defendant's plea of guilty, and finding that there is a substantial nexus between the property listed below and the offense(s) to which the Defendant has pled guilty and that the Defendant has or had a legal interest in the property, IT IS HEREBY ORDERED THAT:

1. The following property is forfeited to the United States pursuant to 18 U.S.C. § 982, 21 U.S.C. § 853, and/or 28 U.S.C. § 2461(c):

Real property, including any buildings, appurtenances, and improvements thereon, located at 7631 Pence Road, Charlotte, Mecklenburg County, North Carolina and more particularly described in a deed recorded at Mecklenburg County Register of Deeds Book 4719, Page 0600; and

All currency and monetary instruments constituting or derived from proceeds traceable to the offenses alleged in the Bill of Information, including the sum of approximately \$1,202,945 in proceeds;

2. The United States Postal Inspection Service, Internal Revenue Service, United States Marshals Service and/or other property custodian for the investigative agency is authorized to take possession and maintain custody of the above-described real property;

3. A forfeiture money judgment in the amount of \$1,202,945 shall be included in the sentence of the Defendant, and the United States Department of Justice may take steps to collect the judgment from any property of the Defendant, in accordance with the substitute asset provisions of 21 U.S.C. § 853(p);

4. If and to the extent required by Fed. R. Crim. P. 32.2(b)(6), 21 U.S.C. § 853(n), and/or other applicable law, the United States shall publish notice and provide direct written notice of this forfeiture;

5. Any person, other than the Defendant, asserting any legal interest in the property may, within thirty days of the publication of notice or the receipt of notice, whichever is earlier,


petition the court for a hearing to adjudicate the validity of the alleged interest;


6. Pursuant to Fed. R. Crim. P. 32.2(b)(3), upon entry of this order, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate, or dispose of the property, including depositions, interrogatories, and requests for production of documents, and to issue subpoenas pursuant to Fed. R. Civ. P. 45;


7. Following the Court's disposition of all timely petitions filed, a final order of forfeiture shall be entered. If no third party files a timely petition, this order shall become the final order and judgment of forfeiture, as provided by Fed. R. Crim. P. 32.2(c)(2), and the United States shall have clear title to the property, and shall dispose of the property according to law;

The parties stipulate and agree that the aforementioned asset(s) constitute property derived from or traceable to proceeds of defendant's crime(s) herein and/or substitute property and are therefore subject to forfeiture pursuant to 18 U.S.C. § 982, 21 U.S.C. § 853, and/or 28 U.S.C. § 2461(c). The defendant hereby waives the requirements of Fed. R. Crim. P. 32.2 and 43(a) regarding notice of the forfeiture in the charging instrument, announcement of the forfeiture at sentencing, and incorporation of the forfeiture in the judgment against defendant. If the defendant has previously submitted a claim in response to an administrative forfeiture proceeding regarding any of this property, defendant hereby withdraws that claim. If defendant has not previously submitted such a claim, defendant hereby waives all right to do so.

ANNE M. TOMPKINS
UNITED STATES ATTORNEY


BENJAMIN BAIN-CREED
Assistant United States Attorney


DELMAR DOVE
Defendant


JACOB H. SUSSMAN, ESQ.
Attorney for the Defendant

Signed this 29th day of July, 2011.


UNITED STATES JUDGE